

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT KELLY WALTERS,

Plaintiff,

No. CIV S-02-1784 DFL JFM P

vs.

R. CASTRO, et al.,

Defendants.

ORDER

By order filed October 13, 2005, defendants' renewed summary judgment was deemed timely filed and plaintiff was directed to file an opposition to the motion, if any, within thirty days. The thirty day period has expired and plaintiff has neither opposed the motion nor responded in any way to the October 13, 2005 order.

Local Rule 78-230(m) provides in part: "Failure of the responding party to file written opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion" On July 3, 2003, plaintiff was advised of the requirements for filing an opposition to the motion and that failure to oppose such a motion may be deemed a waiver of opposition to the motion.

Local Rule 11-110 provides that failure to comply with the Local Rules "may be grounds for imposition of any and all sanctions authorized by statute or Rule or within the

1 inherent power of the Court.” In the order filed July 3, 2003, plaintiff was advised that failure to
2 comply with the Local Rules may result in a recommendation that the action be dismissed.

3 Good cause appearing, IT IS HEREBY ORDERED that, within thirty days of the
4 date of this order, plaintiff shall file an opposition, if any he has, to the motion for summary
5 judgment or a statement of non-opposition. Failure to comply with this order will result in a
6 recommendation that the claims remaining in this action be dismissed pursuant Federal Rule of
7 Civil Procedure 41(b).

8 DATED: December 6, 2005.

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11 UNITED STATES MAGISTRATE JUDGE

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